Entered on Docket
January 11, 2017
EDWARD J. EMMONS, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

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Attorneys for Movant,
Wells Fargo Bank, N.A.

The following constitutes the order of the court.
Signed January 11, 2017

William J. Lafferty, III
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA - OAKLAND DIVISION

In re SANDY GAIL PUBILL AKA SANDY G MUNMON, Debtor.	Case No. 12-49510 Chapter 13 R.S. No. ALG-360 **ORDER GRANTING ADEQUATE PROTECTION** **Hearing:** Date: January 18, 2017 Time: 9:30 a.m. Place: 220 1300 Clay Street Oakland, CA 94612

The above-captioned matter came on for hearing on January 4, 2017, at 9:30 a.m., in Courtroom 220, upon the Motion of Wells Fargo Bank, N.A. ("Movant"), for relief from the automatic stay of 11 U.S.C. § 362, to enforce its interest in the property of Sandy Gail Pubill ("Debtor") commonly known as 1529 Quesada Ave, San Francisco, California 94124-2773 (the "Real Property"), which is legally described as follows:

> SEE LEGAL DESCRIPTION IN DEED OF TRUST ATTACHED AS EXHIBIT B TO MOTION FOR RELIEF FROM STAY, DOCKET ENTRY NUMBER 48.

Appearances as noted on the record.

Based on the arguments of counsel, and good cause appearing therefor,

IT IS HEREBY ORDERED

1. Debtor shall tender regular monthly payments in the amount of $1,508.04 which amount is subject to change, pursuant to the terms of the subject Note (the "Note"), commencing January 1, 2017, and continuing until all such outstanding amounts under the Note are to be paid in full. Payments are to be remitted to:

Wells Fargo Home Mortgage
Attn: Bankruptcy Payment Processing
P.O. Box 14507
Des Moines, IA 50306

2. If applicable, Debtor shall maintain real property taxes and real property hazard insurance paid current for the Real Property, and provide proof of said insurance on a timely basis.

3. In the event of a default on paragraphs 1 or 2 of above-described provisions, inclusive of this Order, Movant shall provide written notice to Debtor at 2948 Morro Drive, Antioch, CA 94531 and to Debtor's attorney of record, Patrick L. Forte located at the 1624 Franklin St., Suite 911, Oakland, CA 94612, indicating the nature of the default. If Debtor fails to cure the default with certified funds after the passage of ten (10) calendar days from the date said written notice is placed in the mail, Movant may restore its Motion to the court's calendar upon 10-days notice.

4. Debtor shall submit a completed loan modification application and provide all requested information and documentation in support of the loan modification no later than sixty (60) days from the entry of this order.

5. In the event of a default on paragraph 4 of the above, inclusive of this Order, Movant may file a Declaration of Non-Compliance and restore its Motion upon 10-days notice. The declaration shall attest to Debtor's failure to timely provide required documents, or to the denial of Debtor's loan modification application.

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6. The acceptance by Movant of a late or partial payment shall not act as a waiver of Movant's right to proceed hereunder and/or its right to the complete contractual payment as determined by the terms of the Note and Deed of Trust.

7. In the event Movant is granted relief from the automatic stay, the parties hereby stipulate that the 14-day stay provided by Bankruptcy Rule 4001(a)(3) is waived.

8. The foregoing terms and conditions shall be binding only during the pendency of this bankruptcy case. If, at any time, the stay is terminated with respect to the Real Property by court order or by operation of law, the foregoing terms and conditions shall cease to be binding and Movant may proceed to enforce its remedies under applicable non-bankruptcy law against the Real Property and/or against the Debtor.

9. In the event this case is converted to a Chapter 7 proceeding, the Motion may be restored on 7-days notice to the chapter 7 trustee.

10. Relief from the Automatic Stay is granted as to the Chapter 13 Trustee, Martha G. Bronitsky.

11. Any notice that Movant shall give to Debtor or attorney for Debtor, pursuant to this Order, shall not be construed as a communication under the Fair Debt Collection Practices Act, 15 U.S.C. §1692.

12. Either party may restore matter to calendar on ten (10) days notice.

APPROVED AS TO FORM:

/s/Patrick L. Forte
Patrick L. Forte
Attorney for Debtor

** END OF ORDER **

COURT SERVICE LIST